



# Immigration Bonds

## What is an immigration bond?

A **bond** is money that someone pays to get someone else out of custody or jail. An **immigration bond** is money paid to get someone out of the custody of the immigration service (Immigration & Customs Enforcement, or “ICE”). If you go to all of your court hearings and follow all the orders set by the Immigration Judge or ICE the bond money is returned when your case is over. This could include leaving the country if they say so. But ICE keeps the bond money if you don’t go to court or follow the orders.

## How do I ask for a bond?

Sometimes ICE sets the bond amount. If no bond has been set, you can ask the Immigration Judge to set a bond on your case. You ask for a **bond hearing**. At a bond hearing, you can also ask the Immigration Judge to lower the bond if you think ICE set it too high. The lowest bond amount that an Immigration Judge can set is \$1,500. It is more common that the Immigration Judge sets the bond around \$4,000.

Be careful when you ask the Immigration Judge to lower your bond. The Judge could decide to raise your bond if they think it was set too low, or they could decide to deny bond completely.



## What happens at a bond hearing?

First, the Immigration Judge has to decide if you are even eligible to ask for a bond. Some people have to be put in “mandatory detention.” This means the Immigration Judge can’t grant a bond because of what the law says. Certain crimes can cause this. Mandatory detention can happen if:

- you are an arriving alien
- you have a prior deportation order, or
- you are being detained on terrorism-related grounds

If you don’t have to be put in mandatory detention, you might be able to get a bond. It is always a good idea to ask for a bond if you are detained by ICE. And ask the Judge to consider giving you a lower bond if you can’t afford the one that ICE originally set.

When deciding about setting or lowering a bond, the Immigration Judge first looks to see if you are a danger to the community. If the judge finds you are a danger, they deny bond, and you stay locked up until the immigration court case is done. If the judge finds you are not a danger, then they look at if you are a “flight risk.” A flight risk is someone who probably won’t show up at future court hearings if released.

To prove you are not a danger to the community, mail your criminal records and any evidence of rehabilitation to the Immigration Court. Evidence of rehabilitation could be things like proof that you took classes to manage issues with drugs or alcohol, anger management classes, or therapy. It could be other proof that helps show you overcame the problems that were causing you to commit crimes in the past. You can also show letters of support from family, friends, religious leaders, or community members.

To prove you are not a flight risk, give them:

- evidence of your family ties in the United States. This can be things like birth certificates of LPR or U.S. citizen relatives.
- evidence that you work. Like paystubs or a letter from your employer.
- evidence you own property in the United States
- evidence of community ties. Like being part of a religious or community group.

The immigration judge also considers whether you are applying for any defenses to deportation or if any immigration petitions have been filed for you.

If you are worried that you could get arrested by ICE, it is a good idea to get proof together that shows you are not a danger to the community or a flight risk. Make sure there is someone who knows where to find it if you get detained. Then it is ready to show the Judge that you qualify for an immigration bond.

## **Who can pay the bond?**

The person paying the bond is called the “obligor.” There are rules about who can be your obligor. If the obligor does not follow the rules, ICE won’t release you.

- The obligor must be a U.S. citizen, Permanent Resident, law firm, or nonprofit organization
- The obligor must know you
- The obligor must know how to speak, write, and read English
- The obligor must bring a government-issued photo ID and a valid social security number with them when they go to pay

The obligor also has to give this information:

- their name, current address, and phone number
- your name, address, phone number and immigration case file number if known



***A person who is not in the U.S. legally should NOT try to pay a bond for someone else. ICE could take them into custody and try to remove them from the U.S.***

***A person who is in the U.S. legally but has criminal convictions or pending criminal charges should talk with an immigration attorney before paying a bond for someone else.***

### **I am the obligor. How do I pay the bond?**

It is possible the person detained can be let out the same day that the bond money is paid. To make sure of that, it is better to pay the bond as early in the day as possible.

#### **Online**

You must pay the bond online at: [MyAuth Account - Sign In \(ice.gov\)](#). If you don't have an account, you need to click on where it says, "Sign Up" and create an account.

These people or organizations can pay the bond online:

- U.S. citizens
- lawful permanent residents
- law firms, and
- non-profit organizations can use CeBONDS to post a delivery bond, voluntary departure bond, or order of supervision bond.
- Noncitizens can also post a Voluntary Departure bond or Order of Supervision bond on their own behalf.



The hours for posting (paying) the bond are:

Monday – Friday 9 am to 3 pm in the time zone where the person is detained by ICE

Payment must be made from a bank account.

If you can't access the online system, you can try to pay in person.

#### **In Person**

You should try to call the ICE office ahead of time before trying to pay in person. The bond amount must be paid in full, with a U.S. postal money order, or a cashier's check from a bank.

**Cash, personal checks, or money orders that are not from the post office are not accepted.**

The money order or cashier's check must be made out to "Immigration and Customs Enforcement." Your family or friends have to pay the bond in person, at any ICE office in the U.S. Only a U.S. citizen or permanent resident can pay the bond.

In Minnesota, there are 2 ICE offices where a bond can be paid:

**Minneapolis/St. Paul ICE Office**

1 Federal Drive, Suite 1640  
Fort Snelling, MN 55111

7:30 a.m. to 2:00 p.m., Monday -Friday  
612-843-8600

**Sioux Falls ICE Office**

2708 North 1<sup>st</sup> Ave.  
Sioux Falls, South Dakota 57104

8:00 a.m. to 1:00 p.m., Monday-Friday  
605-330-4276 (call for appointment)

**What if I can't pay the bond?**

If you can't pay the full amount of the immigration bond, you may be able to get help from a community bond fund. Examples of community bond funds include:

**Local**

- [MN Freedom Fund](#)

**National**

- [Black Immigrants Bail Fund](#)
- [LGBTQ Freedom Fund](#)

There are also bond companies that might help. Bond companies are private businesses that pay part of the bond. You, a friend or a family member can set up an agreement with them. Be careful! Bond companies often charge high interest rates, ask for "collateral," or keep all of the bond money when it is returned. Collateral is something of value that the person signing the papers has. They agree to let the bond company keep it if the detained person doesn't go to their court hearings or follow the orders set by the court or ICE.

**Returning the Bond Money**

When your immigration proceedings are over, ICE returns the full amount of the bond money to the person who paid the bond (the obligor). The ICE office sends paperwork for the obligor to fill out and return. Once ICE gets the papers back, they mail the bond money to the obligor. If the obligor moves before the proceedings are done, they should let ICE know. ICE can't return the money if they don't have a current address for the obligor.



***Fact Sheets are legal information NOT legal advice. See a lawyer for advice.***

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